

**MINUTES OF THE
CITY OF GREENSBORO
MINIMUM HOUSING STANDARDS COMMISSION
REGULAR MEETING
JUNE 10, 2014**

The regular meeting of the City of Greensboro Minimum Housing Standards Commission was held on Tuesday, June 10, 2014 in the Council Chambers of the Melvin Municipal Office Building, commencing at 1:35 p.m. The following members were present: Kathleen Sullivan, Chair; Justin Outling; Kimberly Moore-Dudley; Shermin Ata; Ellen Sheridan; and Steve Allen. Staff present included Elizabeth Benton, Cheryl Lilly, Zona Cureton, Mark Wayman, and Inspectors Don Sheffield, Roy McDougal, Roddy Covington, Don Foster, Jared LaRue, Brad Tolbert, and Rick Stovall. Also present was Terri Jones, Attorney for the Commission, and Mary Lynn Anderson, City Attorney's Office.

1. SWEARING IN OF CITY STAFF TO TESTIFY:

City staff was sworn as to their testimony in the following matters.

2. SWEARING IN OF OWNERS, CITIZENS AND ALL OTHERS TO TESTIFY:

Property owners and citizens were sworn as to their testimony in the following matters.

3. REQUEST OF STAFF OF ANY CHANGES TO THE AGENDA:

Compliance Coordinator Benton stated that Item 7, 325 Lawrence Street, and Item 15, 314 Aloe Road, are in compliance and have been pulled from the agenda. She noted a typographical error on Item 14 and indicated that the correct address is 1 Greenbrook Court.

Ms. Ata moved to accept changes to the agenda as stated by Compliance Coordinator Benton, seconded by Ms. Moore-Dudley. The Commission voted unanimously 5-0 in favor of the motion. (Ayes: Sullivan, Outling, Ata, Moore-Dudley, Sheridan. Nays: None.)

4. APPROVAL OF MINUTES FROM MAY 13, 2014 MEETING:

Ms. Moore-Dudley moved approval of the May 13, 2014 meeting minutes as written, seconded by Mr. Outling. The Commission voted unanimously 5-0 in favor of the motion. (Ayes: Sullivan, Outling, Ata, Moore-Dudley, Sheridan. Nays: None.)

Mr. Allen joined the meeting at 1:40 p.m.

CONTINUED CASES:

- 5. 4693 Long Valley Road** (TMN 10330B-922-12) William Marshburn and Helen Marshburn, Owners. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Foster. Continued from the April 8, 2014 and May 13, 2014 meetings. **(INSPECTOR UPHELD)**

Inspector Foster stated that the video being shown to Commissioners was taken on June 5, 2014. He noted that roofing has been put on the front of the house and some debris has been removed from the yard.

Inspector Sheffield explained that permits will be required if the cost of any repair exceeds a total of \$5,000.

William Marshburn, 4693 Long Valley Road, was present to speak on the property. He stated that all the glass jars have been placed in an area at the rear of the property, all of the dead wood has been removed, plastic jugs have been removed, and two large areas of his possessions have been cleared away.

Chair Sullivan asked Mr. Marshburn if he had a timeline for completion as requested by the Commission at the last meeting. He indicated that within one week all of the wood will be placed in two piles. Chair Sullivan asked if a timeline was available to repair the violations on the interior of the house. Mr. Marshburn said that the only electrical items that needed to be repaired were the missing covers. Compliance Coordinator Benton confirmed that the violations on the list before the Commission were all current.

Mr. Marshburn stated that a 10x10 building will be constructed to contain items that are currently in the house. He felt that nothing could be done on the interior until the building was available to move the items into. He said that the roofing should be finished within a month or two. The interior repairs depend on how quickly he can construct the 10x10 building. He estimated that completion of all repairs should occur next year.

Chair Sullivan asked Compliance Coordinator Benson if there were any City programs available that could help Mr. Marshburn with the repairs to his property. She stated that Mr. Marshburn had been given an application package for the Housing Rehabilitation Program. He reviewed the packet earlier and said the program was for lead paint abatement. He said that the outside of his house had no lead paint because it has asbestos shingles that have never been painted. The only paint is the wooden trim work which has mostly fallen off. He reasoned that there may have been one or two coats of lead paint over the course of the years. Mr. Marshburn stated that he did not need anyone to come to out and paint the house.

Compliance Coordinator Benson clarified that the Housing Rehabilitation Program would address all Minimum Housing code violations. The application package covers all the different programs, specifically lead based paint. In doing the rehabilitation the existence or potential of lead based paint must be acknowledged. The program could help the owner move along in the process to remove many of the interior violations such as electrical and plumbing repairs.

Mr. Marshburn said that the violations do not affect him to any great extent and they are the City's violations. He reiterated that he cannot do anything inside the home until everything is moved out.

Ms. Moore-Dudley asked Mr. Marshburn if he wanted to repair the violations, if he needed additional time, or if he had a plan for bringing the property into compliance. He stated that he had already addressed the plan.

Mr. Outling stated his concern that the owner's progress does not appear to be substantial given how much work is ahead. He felt Mr. Marshburn had at least a degree of comfort with the current condition of the property given the fact he has represented he was not amenable or willing to accept further assistance from the City in terms of bringing the property into compliance.

Mr. Allen asked the Inspector for an update on any progress noticed during his last two visits to the property. Inspector Foster said that roofing has been added and there has been work in the yard. He could not video the exterior because he was not allowed access into the property on both visits.

Mr. Marshburn pointed out that this is the first time anyone has offered help from the City. He rejected the assistance because the help he has looked for from the City for several years is just caulking and the lead paint abatement which he felt was a waste of time. Compliance Coordinator Benton indicated that Mr. Marshburn was given an application package and explained that the application is the same whether it is for the Rehabilitation Program or the Lead Paint Program.

Mr. Marshburn commented that he felt both the City Council and the Minimum Housing Standards Commission were picking him out.

Helen Marshburn, 2930 Isaacs Place, stated that her name is also listed on the property. She attended the last meeting and met with Mr. Wayman to discuss taking care of the public nuisance on the exterior of the property. She felt the interior did not need to be addressed at this point because they were focusing on the exterior. Progress and efforts have been made to improve the property and it is in her best interest to have

the property brought up to code. She was surprised that the Inspectors needed access into the property because it was her understanding that the focus would be on the exterior of the property. She stated that Mr. Marshburn realizes the property needs to be brought up to a better living standard and that is the effort they have been trying to make. She felt the scope of the project made it difficult to determine a timeline, especially on a limited budget. She felt it was reasonable to estimate compliance in a year if the project can be taken in reasonable chunks of work.

Members thanked Ms. Marshburn for bringing clarity to the situation. Responding to a question from Ms. Moore-Dudley, Ms. Marshburn felt the project was financially feasible but it would be better to address the issues without taking out a loan. At the request of Ms. Marshburn, Ms. Moore-Dudley explained what is meant to uphold the Inspector's report.

Mr. Outling observed that work is being done incrementally without a plan.

Ms. Marshburn felt that she and Mr. Marshburn should meet to determine a reasonable timeline.

Ms. Sheridan pointed out this process has been ongoing and that the initial inspection date was March, 2013. The Commission is trying very hard to come up with a means of helping Mr. Marshburn achieve an objective that is a legal requirement of the City. She commented that should Mr. Marshburn fill out the application, they will be on the way to having assistance to complete the repairs.

Ms. Marshburn asked if the only way the Commission will not condemn the property today is if the application for assistance is submitted. Commissioners stated that was not the case. They explained it was a way for the City to assist them in their efforts if they were in need of any assistance.

Mr. Marshburn stated that the City is responsible for the position he is currently in. He stated his opinion that the City does not fix the roads or upkeep its buildings.

Ms. Moore-Dudley pointed out the task of the Commission to make sure the property is safe along. She expressed her desire to move forward with this matter.

Ms. Marshburn said that she would like a continuance of 30 days.

Mr. Outling commented that Ms. Marshburn is a property owner and received the same notices as Mr. Marshburn. She was present at the most recent hearing when statements were made regarding the desirability of a plan for completion.

Ms. Marshburn reiterated that she met with Mr. Wayman after the last meeting to talk about the exterior of the property because it was considered a public nuisance.

Mr. Outling felt that the Commission was clear at the prior hearing in its determination. While it is appropriate for City staff to advise owners as to a plan of action on what they personally consider a priority, it does not obviate the desirability of the Commission to hear a plan.

Mr. Allen stated that the Commission makes their evaluation on a case by case basis and he felt that a lot of information had been brought to the table today by the owners.

Mr. Allen moved to continue this case until the July 8, 2014 hearing, seconded by Ms. Sheridan. The Commission voted 2-4 against the motion. (Ayes: Allen, Sheridan. Nays: Ata, Outling, Moore-Dudley, Sullivan.)

For the reasons previously stated, Mr. Outling moved to uphold the Inspector, seconded by Ms. Moore-Dudley. The Commission voted 4-2 in favor of the motion. (Ayes: Sullivan, Moore-Dudley, Outling, Ata. Nays: Allen, Sheridan.)

Mr. Allen and Mr. Outling explained details of the process to uphold the Inspector for the benefit of the owners.

Counsel Jones asked Compliance Coordinator Benton if the video that was shown was a fair and accurate representation of the property; if all parties in interest were properly served with all notices, complaints and orders issued in this matter; the last time the property was visited was June 5, 2014; the property is not a duplex or multiunit apartment; there are more than five separate types of violations of any of the minimum housing standard codes. Compliance Coordinator Benton stated that she agreed with these questions.

Compliance Coordinator Benton stated that the list of violations include electrical equipment needs to be properly installed and maintained; unsafe electrical wiring; doors difficult to operate; missing smoke detectors; windows not readily accessible in case of emergency; heating system not maintaining 68 degrees in habitable rooms, bathrooms; plumbing facilities must be maintained in a safe, sanitary and functional condition; every occupant shall dispose of garbage in a clean and sanitary manner; unclean and unsanitary floors, ceilings and/or walls; walls have peeling, chipping or flaking paint that must be repaired, removed or covered; walls have cracks, holes or loose plaster, decayed wood or other defective material that must be corrected; roof has rotten roof sheathing; ceiling contains holes, loose material and/or in disrepair; screens required on windows; every window shall open and close as manufactured; chimney not maintained and in good repair; exterior wood surfaces need to be maintained by painting or other protective coating; exterior walls contain holes and/or breaks; exterior walls have loose or rotted material; foundation wall has holes or cracks; foundation walls have ventilation not maintained or missing; roof drains, gutters and downspouts in disrepair; roof has leaks; needs premises identification.

Chair Sullivan stated that the property involved in this matter is located at **4693 Long Valley Road** in Greensboro, North Carolina. The property owner and all parties in interest in said property have been properly served with all Complaints, Notices and Orders issued in this matter in compliance with the law. The property owner and all parties in interest were afforded their due process rights in compliance with the law. The property in question has more than five separate types of violations of any of the Minimum Housing Code Standards. The continuation of this dwelling in its current condition is detrimental to the health, safety, morals and welfare to the people within the City of Greensboro and is unfit for human habitation. Based on the foregoing findings of fact, it is hereby concluded that this matter is properly before this Commission; the described structure is dangerous and unfit for human habitation; and the Inspector is proper in all respects.

Therefore it is **Ordered, Resolved** and **Decreed** by vote of the Commission that the Inspector is upheld.

- 6. 2503 Kersey Street (TMN 268-17-13) Dorothy Cornelius and Walter Cornelius, Owners. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Covington. Continued from February 11, 2014; April 8, 2014 and May 13, 2014 meetings.**
(CONTINUED UNTIL JULY 8, 2014 MEETING)

Walter Cornelius, 598 Pine Ridge Drive, said that he is in process of installing the heating system and cabinets in addition to some painting.

The Inspector stated that the video being shown to Commissioners was taken on June 5, 2014.

Inspector Sheffield indicated that a permit will be needed for the new heating system being installed. In addition, the electrical has not been inspected in over a year.

Mr. Cornelius expects to be finished with the repairs by the end of June, 2014.

Ms. Ata moved to continue this case until the July 8, 2014 meeting, seconded by Mr. Allen.

The Commission voted 6-0 in favor of the motion. (Ayes: Sullivan, Moore-Dudley, Outling, Ata, Allen, Sheridan. Nays: None.)

7. **325 Lawrence Street** (TMN 243-5-13) Jane L. Knight, Owner. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Covington. Continued from February 11, 2014 and May 13, 2014 meetings. **(WITHDRAWN DUE TO COMPLIANCE)**
8. **1101 South Benbow Road** (TMN 103-6-28) David Black and Ellen Black, Owners. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Covington. Continued from December 10, 2013; March 11, 2014; and May 13, 2014 meetings.
(CONTINUED UNTIL JULY 8, 2014 MEETING)

Nathan Williams, 2004 Joseph Neil Avenue, stated that he was representing the applicant, David Black, who is currently undergoing a medical procedure. He estimated that the property should be in compliance within two to three weeks.

Inspector Covington said that the repairs are 90 percent complete. The video being shown to Commissioners was taken on June 5, 2014.

Inspector Sheffield indicated that no permits have been taken out for this project.

Ms. Moore-Dudley moved to continue this case until the July 8, 2014 meeting, seconded by Ms. Ata. The Commission voted 6-0 in favor of the motion. (Ayes: Sullivan, Moore-Dudley, Outling, Ata, Allen, Sheridan. Nays: None.)

9. **101 West Northwood Street** (TMN 93-4-6) Heirs of Mildred K. Hobbs, Owner. In the Matter of Order to Repair, Alter or Improve Structure. Inspector McDougal. Continued from February 11, 2014 and May 13, 2014 meetings. **(CONTINUED UNTIL JULY 8, 2014 MEETING)**

Chair Sullivan stated that members are in receipt of an outline in regard to this property.

William Hobbs, 441 Domerick Drive, Maitland, Florida, has secured the services of Poole Construction Company with whom the City has had considerable experience. Referring to a preliminary list of items to be addressed, he said that work will begin as soon as possible. B-Dri will also be working on the plumbing issue in the basement. The electricity has been turned on at the property. He said that water levels are still high in the basement and the possibility of an underground well at the adjacent property was discussed.

Ms. Moore-Dudley suggested that the owner remedy the water problem in the basement prior to making cosmetic repairs elsewhere. The basement is more of a priority and is a structural concern. Members commented that records at the Guilford County Health Department could help determine the presence of an underground well or spring nearby.

Mr. Outling felt that the owner has shown his intention to bring the property into compliance. He asked the owner for an estimation of time to have all of the violations repaired. Mr. Hobbs explained that B-Dri has a backlog of work before they can begin on his project. In addition, he has had difficulty establishing a timeline with Poole Construction. He explained other delays in being able to finalize a timeline including a recent fire in his home in Florida. He said that the possibility of an underground well only adds to his inability to finalize a timeline. He described the plan of action proposed by B-Dri to address water issues in the basement.

Mr. Outling felt it was reasonable to continue the case until next month to allow the owner to engage the services of B-Dri and Poole Construction to determine a timeline for the project.

Mr. Outling moved to continue the case until the July 8, 2014 meeting, seconded by Ms. Moore-Dudley. The Commission voted unanimously 5-1 in favor of the motion. (Ayes: Sullivan, Outling, Moore-Dudley, Allen, Sheridan. Nays: Ata.)

- 10. 1523 Lovett Street** (TMN 84-4-37) Heirs of Mildred O. Allred, Owners. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Stovall. Continued from March 11, 2014 and May 13, 2014 meetings. **(CONTINUED UNTIL AUGUST 12, 2014 MEETING)**

Adrian Clement, 1511 McCormick Street, purchased this property and the property next door from the Allred family twenty days ago. Work has been progressing at the property and he estimated that new tenants should be able to move in August 1, 2014. He asked for a continuance of 60 days.

Inspector Stovall stated that the video being viewed by Commissioners was taken on May 31, 2014. He agreed that improvements have been made and the work is moving along.

Mr. Allen moved to continue the case until the August 12, 2014 meeting, seconded by Ms. Ata. The Commission voted unanimously 6-0 in favor of the motion. (Ayes: Sullivan, Outling, Moore-Dudley, Allen, Sheridan, Ata. Nays: None.)

- 11. 193 Lyndon Street** (TMN 15-7-3) A.C. Bartholomew, Owner. In the Matter of Order to Repair, Alter or Improve Structure. Inspector McDougal. Continued from March 11, 2014 and May 13, 2014 meetings. **(CONTINUED UNTIL AUGUST 12, 2014 MEETING)**

A. C. Bartholomew, 2104 Rolling Road, said that the outside of the property has been completed. Nine of the seventeen violations have been corrected. He hopes to complete repairs to all violations within 60 days.

Inspector LaRue took the video being shown to Commissions on June 5, 2014.

Ms. Sheridan noted the positive changes that have been made at the property.

Mr. Bartholomew described work that has been done since the last meeting. Handrails have been installed at the front, grass has been mowed, bushes have been trimmed, and tree limbs have been moved away. The bathroom has been completed and door locks have been installed. He is in process of installing the kitchen floor and repairing boards on the front porch.

Mr. Bartholomew has had difficulty removing personal belongings of the tenant who has been jailed. He described progress being made in the process to evict the tenant.

Inspector LaRue reviewed the violations that have been repaired but are not reflected on the list distributed to members. He stated that the electrical power had been turned on at the time of inspection; unclean/unsanitary floors, ceilings and walls have been addressed; flooring crack in downstairs hallway has been repaired; bathroom has been fully renovated; the unlevel floor throughout the structure has been cleared; and the front porch handrail has been replaced as well.

Chair Sullivan left the dais at 2:55 p.m.

Mr. Bartholomew informed members that the house has had lead abatement.

Inspector LaRue stated that the only major issue at this time is that they were unable to confirm the heating system was operational.

Ms. Moore-Dudley moved to continue the case until the July 8, 2014 meeting. She amended the motion and moved that the case be continued until the August 12, 2014 meeting, seconded by Mr. Allen. The Commission voted 6-0 in favor of the motion. (Ayes: Moore-Dudley, Allen, Ata, Outling, Sheridan, Sullivan. Nays: None.) Chair Sullivan left the meeting and was not excused; therefore, her vote counted in the affirmative.

Chair Sullivan returned to the dais at 3:00 p.m.

12. 815 Pearson Street (TMN 30-2-12) State Employees Credit Union, Owner. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Stovall. Continued from May 13, 2014 meeting. (CONTINUED UNTIL AUGUST 12, 2014 MEETING)

Mike Cowhig, City of Greensboro Planning Department, distributed information on the property. The house is considered a historic structure and he is requesting additional time to market the property so it can be saved. It is an important house in Greensboro and historical research determined it was built in the 1880s making it one of the City's oldest houses. It is a rare example of architecture from the Victorian period. While it is currently in poor physical condition, from a preservation standpoint it is remarkably in tact on the interior and exterior. The property is listed as a contributing structure in the south Greensboro National Register Historic District. The house is located in the Ole Asheboro community target area and the goal of the Ole Asheboro Redevelopment Plan is to save as many of the historic properties as possible. There are financial incentives available for the rehabilitation of the property, possibly on both the federal and state level for income tax credits. It is a candidate for Guilford County Landmark status. Responding to a question about the timeline, Mr. Cowhig indicated that the City would like to identify a list of potential investors to invite to an open house within the next few weeks.

Stephen Squires, State Employees Credit Union (SECU), stated that they are prepared to make the house look more attractive to potential investors by dealing with issues such as the siding and cleaning the yard. He said that SECU intends to bring the property into full compliance. The property is currently safe and boarded up. For purposes of the marketing effort, Mr. Squires was not prepared to give a timeline for completion but he did reiterate his intention to bring the property into compliance.

Ms. Moore-Dudley felt it was in the city's best interest to preserve this property.

Ms. Moore-Dudley moved to continue this case until the August 12, 2014 meeting, seconded by Mr. Allen. The Commission voted 5-1 in favor of the motion. (Aye: Sullivan, Ata, Moore-Dudley, Allen, Sheridan. Nays: Outling.)

Ms. Ata asked to see the application for historic preservation credits at the next meeting to gauge progress. Mr. Cowhig stated that the Planning Department will prepare the tax credit application as soon as possible to pre-certify the property for a new buyer. He plans to share the documents with the Commission.

The Commission recessed for five minutes at 3:15 p.m.

NEW CASES:

13. 1 Greenbrook Court (TMN 265-6-4) Kurt Hafner, Owner. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Rich Stovall. (INSPECTOR UPHELD)

Compliance Coordinator Benton stated that this case was initially inspected on September 14, 2013. The hearing was held on October 4, 2013. An Order was issued on October 7, 2013. There are children living in the area where the property is located and a school is nearby. In the opinion of the Inspector, the owner has abandoned their intent to repair the property.

Counsel Jones asked Compliance Coordinator Benton if the video that was shown was a fair and accurate representation of the property; if all parties in interest were properly served with all notices, complaints and orders issued in this matter; the last time the property was visited was June 5, 2014; the property is not a duplex or multiunit apartment; there are more than five separate types of violations of any of the minimum housing standard codes. Compliance Coordinator Benton stated that she agreed with these questions. Compliance Coordinator Benton stated that the list of violations include exterior wood surfaces need to be maintained with paint or other protective coating; missing smoke detectors; water heater not properly installed or maintained; unclean/unsanitary floors, ceilings and/or walls; walls have peeling, chipping, or flaking paint that must be repaired; walls have cracks, holes, or loose plaster; loose floor covering must be repaired or replaced; exterior doors need to be weathertight; window glazing needed at side door at carport;

gutters and downspouts are in disrepair; ceiling in carport contains holes, rotten wood, and is also in disrepair.

Johnny McLean, 3000 Greenbrook Drive, resides on the corner of the cul-de-sac where the subject property is located. He was present on behalf of the neighbors and stated that the house is a detriment to the neighborhood. He noted that snakes and rodents have been seen coming from the property. He believes the house has electricity but it does not have heat. He felt that the house has caused property values to decline. The owner put a new roof on the house in 2005 and the issues seemed to just go away until the matter was brought back to the attention of the City.

Compliance Coordinator Benton stated that service for this meeting was in person. The hearing was held in person at the owner's home. The owner receives his mail in Germany and has it routed back to him in the United States. Since it takes a long time to receive service this way, staff has been making personal service with the owner. The title search was done on March 15, 2014. The case did not originate from police complaints. The initial inspection had to be done with an administrative warrant with the police and it resulted in the owner being arrested and taken away. Inspector Stovall has developed a relationship of sorts with the owner and is allowed to enter the property to look around but no recording devices are allowed on the property. The only way staff can videotape the interior is through a warrant with the police.

Inspector Stovall stated that there are multiple plumbing issues; the downstairs is filled with stacks of books that are three to four feet high; kitchen flooring is coming up; ceilings have fallen and lights are hanging in the room off the carport; there is no working heating system; the upstairs bathroom hot water has been shut off because the pipes leak; one commode does not flush properly; there are unsanitary floors, ceilings and walls; there are many cracks, holes and loose plaster; windows need glazing; gutters are in disrepair; and there is a missing pane in the entry door from the carport. Upon a recent visit, the owner was on the roof painting a soffit.

Mr. McLean acknowledged that if the Inspector is upheld, the property will be demolished and there will be a vacant lot in the neighborhood.

Compliance Coordinator Benton stated that during the hearing at his house the owner showed them what he was in process of fixing and what he intended to repair. There were items he did not intend to repair because his plan was to sell the house. She noted that there has been no active marketing of the property for sale.

Given the absence of intent by the owner to bring the property into compliance including the statement by Compliance Coordinator Benton as to his unfulfilled intent to put the property on the market for sale as well as the testimony of community members as to the hazardous effect of the property and its owner's conduct to children and property, Mr. Outling moved to uphold the Inspector, seconded by Ms. Moore-Dudley. The Commission voted unanimously 6-0 in favor of the motion. (Aye: Sullivan, Outling, Ata, Moore-Dudley, Allen, Sheridan. Nays: None.)

Chair Sullivan stated that the property involved in this matter is located at **1 Greenbrook Drive** in Greensboro, North Carolina. The property owner and all parties in interest in said property have been properly served with all Complaints, Notices and Orders issued in this matter in compliance with the law. The property owner and all parties in interest were afforded their due process rights in compliance with the law. The property in question has more than five separate types of violations of any of the Minimum Housing Code Standards. The continuation of this dwelling in its current condition is detrimental to the health, safety, morals and welfare to the people within the City of Greensboro and is unfit for human habitation. Based on the foregoing findings of fact, it is hereby concluded that this matter is properly before this Commission; the described structure is dangerous and unfit for human habitation; and the Inspector is proper in all respects.

Therefore it is **Ordered, Resolved** and **Decreed** by vote of the Commission that the Inspector is upheld.

14. **314 Aloe Road** (TMN 1-28-89-51) Bank of America, Owner. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Brad Tolbert. **(WITHDRAWN DUE TO COMPLIANCE)**
15. **1301 Hickory Avenue** (TMN 182-3-13) Mendoza-Monroy Tobias, Owner. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Roy McDougal.
(CONTINUED UNTIL AUGUST 12, 2014 MEETING)

Compliance Coordinator Benton stated that this case was initially inspected on May 29, 2013. The hearing was held on June 28, 2013. An Order was issued on July 3, 2013. There are children living in the area where the property is located but there is not a school located nearby. There have been no police complaints.

Counsel Jones asked Compliance Coordinator Benton if the video that was shown was a fair and accurate representation of the property; if all parties in interest were properly served with all notices, complaints and orders issued in this matter; the last time the property was visited was June 5, 2014; the property is not a duplex or multiunit apartment; there are more than five separate types of violations of any of the minimum housing standard codes. Compliance Coordinator Benton stated that she agreed with these questions.

Compliance Coordinator Benton stated that the list of violations include cracked or missing electrical outlet and switch covers throughout; thermostat is broken; power not on at time of inspection; GFCI outlet required in bathroom; fixtures hanging loose from ceiling in several rooms; exposed wiring at light fixtures in several rooms; many interior doors difficult to operate-missing knobs, doors that don't latch or have locks; missing smoke detectors; carbon monoxide detector required; utilities for heat, gas or electric, were not on at time of inspection; heating system not capable of maintaining 68 degrees in habitable spaces; plumbing facilities need to be maintained in a safe and sanitary condition; washing machine drain line not properly installed; water not on at time of inspection; washing machine hook up missing turn valves for water supply; front storm door broken-top and bottom glass panes also broken; gutters and downspouts in disrepair; foundation wall has holes or cracks; exterior wood surfaces need to be maintained with paint or other protective coating; locks are missing or broken on windows; all windows need glazing; rotten flooring in kitchen must be repaired; debris accumulated inside unit; unclean/unsanitary floor, ceilings or walls; and rear threshold needs repair at rear door.

Rose Mendoza, City of Greensboro, stated that she will be the interpreter for Tobias Mendoza who lives at 1301 Hickory Street. He purchased the property 40 days ago. He estimated 45 to 60 days until all violations are repaired.

Inspector McDougal said that completed items have been checked off but have not cleared the system to be reflected on the list distributed to Commissioners. He indicated that the owner is moving along with repairs to the property and is further along than indicated. The heating system has been installed.

Inspector Sheffield said that the owner does not have a mechanical permit that is needed to replace the heating system.

Ms. Sheridan moved to continue the case until the August 12, 2014 meeting, seconded by Ms. Moore-Dudley. The Commission voted unanimously 6-0 in favor of the motion. (Aye: Sullivan, Outling, Ata, Moore-Dudley, Allen, Sheridan. Nays: None.)

Mr. Allen asked to be excused from the meeting.

Ms. Moore-Dudley moved to excuse Mr. Allen from the meeting, seconded by Ms. Sheridan. The Commission voted unanimously in favor of the motion. (Aye: Sullivan, Outling, Ata, Moore-Dudley, Sheridan. Nays: None.)

Mr. Allen left the meeting at 3:45 p.m.

16. 1209 Buff Street (Parcel #0011256) Jolene Mock and Freddie Gowins, Owners. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Brad Tolbert. (INSPECTOR UPHELD)

Compliance Coordinator Benton stated that this case was initially inspected on March 30, 2012. The hearing was held on December 27, 2012. An Order was issued on the same date. There are children living in the area where the property is located. There have been police complaints. The City had to have the property secured.

Counsel Jones asked Compliance Coordinator Benton if the video that was shown was a fair and accurate representation of the property; if all parties in interest were properly served with all notices, complaints and orders issued in this matter; the last time the property was visited was June 4, 2014; the property is not a duplex or multiunit apartment; there are more than five separate types of violations of any of the minimum housing standard codes. Compliance Coordinator Benton stated that she agreed with these questions.

Compliance Coordinator Benton stated that the list of violations include dwelling needs 3 wire, 120/240 Volt 60 Amp service; cracked or missing electrical outlet cover; cracked or missing switch plate cover; exposed wiring at outlet; exposed wiring at light fixture; power not on at time of inspection; unsafe electrical wiring; missing smoke detector; unclean and unsanitary floors, ceilings and/or walls; wall structural member unable to support imposed load; walls have peeling, chipping or flaking paint that must be repaired, removed or covered; walls have cracks, holes or loose plaster, decayed wood or other defective material that must be corrected; rotten flooring must be repaired; loose floor covering must be repaired or replaced; ceiling contains holes, loose material and/or in disrepair; exterior doors need to be weathertight; bathroom must have a door and interior lock; bedroom must have a door and interior lock; locks not maintained or missing from windows; screens required on doors and windows; every window shall open and close as manufactured; windows need glazing; windows need to be weathertight; exterior wood surfaces need to be maintained by painting or other protective coating; exterior walls have loose or rotted material; foundation walls have holes or cracks; foundation wall ventilation not maintained or missing; all exterior property and premises shall be maintained in a clean and sanitary condition; and property needs to be graded to prevent accumulation of standing water.

There was no one present wishing to speak on this property.

Inspector Sheffield stated that this case resulted from a fire in 2005 and all permits were cancelled in 2008 due to no inspections.

Ms. Sheridan moved to uphold the Inspector, seconded by Ms. Moore-Dudley. The Commission voted 5-0 in favor of the motion. (Ayes: Sullivan, Outling, Sheridan, Ata, Moore-Dudley. Nays: None.)

Chair Sullivan stated that the property involved in this matter is located at **1209 Buff Street** in Greensboro, North Carolina. The property owner and all parties in interest in said property have been properly served with all Complaints, Notices and Orders issued in this matter in compliance with the law. The property owner and all parties in interest were afforded their due process rights in compliance with the law. The property in question has more than five separate types of violations of any of the Minimum Housing Code Standards. The continuation of this dwelling in its current condition is detrimental to the health, safety, morals and welfare to the people within the City of Greensboro and is unfit for human habitation. Based on the foregoing findings of fact, it is hereby concluded that this matter is properly before this Commission; the described structure is dangerous and unfit for human habitation; and the Inspector is proper in all respects.

Therefore it is **Ordered, Resolved** and **Decreed** by vote of the Commission that the Inspector is upheld.

17. 2333 Floyd Street (Parcel # 0025912) Despina Agapion Psatha, Owner. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Brad Tolbert. (CONTINUED UNTIL JULY 8, 2014 MEETING)

Compliance Coordinator Benton stated that this case was initially inspected on July 16, 2013. The hearing was held on August 15, 2013. An Order was issued on August 23, 2013. There are children living in the area where the property is located and a school is located nearby. The City had to have the property secured. The owner secured the property.

Counsel Jones asked Compliance Coordinator Benton if the video that was shown was a fair and accurate representation of the property; if all parties in interest were properly served with all notices, complaints and orders issued in this matter; the last time the property was visited was June 4, 2014; the property is not a duplex or multiunit apartment; there are more than five separate types of violations of any of the minimum housing standard codes. Compliance Coordinator Benton stated that she agreed with these questions.

Compliance Coordinator Benton stated that the list of violations include unclean/unsanitary floors, ceilings and/or walls units A through H; loose floor covering must be repaired or replaced-units A-H; ceilings contain holes, rotten or in disrepair in living room ceilings of units A-H; windows don't open or close as manufactured, missing screens-Units A through H; broken glass in units A, D, E, F, G, and H; electrical equipment needs to be properly installed and maintained; power was not on at time of initial inspection; unsafe electrical wiring; doors difficult to operate; missing smoke detectors in units A-H; plumbing features leak, specifically to commodes in Units A, B, C, and E; dwelling shall be kept free from rodent and insect infestation-all units; and wiring is exposed or unsafe in units A-H.

Irene Agapion, 625 South Elm Street, explained that lightening struck one of the units and the meter was pulled to the property. A licensed electrician was called to the property to make the necessary repairs to restore the electricity to the unit and adjacent units. The City came out to final the electrical permit and released the property to Duke Energy who sent Pope Electric Company to restore service. During the process, the ground was cut and power was lost resulting in the occupied units in the next building to be vacated as well. Tenants finally removed their belongings, insurance adjustors were able to determine the repairs in the buildings, and the property was boarded up. The insurance case was finally settled in April, 2014. The property has been cleaned up and kept secure. The property is unofficially for sale but has not been listed with a realtor. There have been offers on the property and she is in receipt of a firm letter of intent to purchase. The property is encumbered on a commercial blanket note and it is up to the mortgage company to determine if they plan to release the property based on the offer. The investors on the note agreed to the amount required to release the property because it is a commercial note. In the event the property does not close, she intends to make repairs to the property.

Compliance Coordinator Benton explained that when the electrical company cut the ground both buildings were electrified even with the power being off. Residents of both buildings had to be removed for their safety. There was a discussion of circumstances relating to this being a former RUCO case.

Brett Byerly, 122 North Elm Street, pointed out that the freak electrical occurrence at the property was the only thing that brought attention to problems that already existed in the building. He stated that conditions were deplorable at the property and have been ongoing for decades.

Jenna Roscowski, 122 North Elm Street, is a case manager with the Greensboro Housing Coalition who worked directly with families living at the property. She helped move some of the families to safer location once the property was condemned. These apartments have repeatedly been cited for code violations at least from 2002. She spoke to the dangerous and unsanitary conditions she has observed at the property including insect and rodent infestation, inoperable smoke detectors, and open holes in the walls.

Beth McKee-Huger, 122 North Elm Street, commented that the history of this property and the quality of repairs made in the past add to her concern that this property will become a hazard all over again. Conditions have remained constant at the property since 2005.

Mr. Outling asked Ms. McKee-Huger for her insight as to why this property is only now coming before the Commission if it has been out of compliance since 2005 and they have been advocating for its improvement since that time.

Ms. McKee-Huger stated that when it was occupied, the tenants were afraid to complain because of retaliation. The Housing Coalition will not file complaints if the tenants do not want them to. Tenants have been out of the property for over a year and no repairs have been made since that time. There were multiple requests for title searches that had to be done before this case could come before the Commission.

Compliance Coordinator Benton commented there has never been a problem with service on this property.

Speaking in rebuttal, Ms. Agapion spoke to her credibility and stated that all her comments can be documented by the Inspectors. She indicated for the record that there are other reasons why the Housing Coalition wants the Commission to rule to uphold the Inspector.

Ms. Agapion stated that their preference is to sell the property and if they do not, all necessary repairs will be made. If the letter of intent is approved the buyer has indicated a September, 2014 closing date. Otherwise, repairs will commence in July, 2014. She estimated that the contractor could complete two units per week.

Ms. Moore-Dudley moved to continue the case until the July 8, 2014 hearing, seconded by Ms. Ata. The Commission voted 5-0 in favor of the motion. (Ayes: Sullivan, Ata, Sheridan, Outling, Moore-Dudley. Nays: None.)

**18. 2335 Floyd Street (Parcel # 0025912) Despina Agapion Psatha, Owner. In the Matter of Order to Repair, Alter or Improve Structure. Inspector Brad Tolbert.
(CONTINUED UNTIL JULY 8, 2014 MEETING)**

Compliance Coordinator Benton stated that this is the second building on the same property that was affected as a result of the initial lightening strike.

Counsel Jones stated that the Commission can take administrative notice of the previous hearing on 2333 Floyd Street and the differences in violations and inspections can be noted.

Compliance Coordinator Benton stated that the violations for this case are the same as for 2333 Floyd Street. The case was initially inspected on July 16, 2013. The hearing was held on August 15, 2013. An Order was issued on August 23, 2013.

Counsel Jones asked Compliance Coordinator Benton if the video that was shown for 3335 Floyd Street was a fair and accurate representation of the property. Compliance Coordinator Benton replied in the affirmative.

Inspector Sheffield stated that there were no electrical inspections because lightening did not hit this building.

Compliance Coordinator Benton stated that the list of violations for 3335 Floyd Street include power was not on at the time of initial inspection; unsafe electrical wiring in units A-F; missing smoke detectors in units A-F; dwellings need to be kept free from insect and rodent infestation; unclean/unsanitary floors, ceilings, and/or walls in units A-F; walls have peeling, chipping, flaking paint on interior walls in units A-F; loose floor covering must be repaired or replaced in units A-F; windows don't open and close as manufactured, have broken glass and missing screens in units A-F; sidewalks, fireplace, driveway, stairs and parking spaces need to be maintained; and there is exposed wiring that is unsafe.

Irene Agapion, 625 South Elm Street, stated that an investor is looking to purchase this building as part of one package.

Ms. Ata moved to continue the case until the July 8, 2014, seconded by Ms. Moore-Dudley. The Commission voted 5-0 in favor of the motion. (Ayes: Sullivan, Ata, Sheridan, Outling, Moore-Dudley. Nays: None.)

RESCINDED CASES:

- 19. 1605-A Glenside Drive (TMN 418-2-4)** Jams K. Guffey, Jr. and Dixie S. Guffey, Owners. Repaired by Owners. **(RESCINDED)**

Mr. Outling moved to rescind 1605-A Glenside Drive, seconded by Ms. Moore-Dudley. The Commission voted 5-0 in favor of them motion. (Ayes: Sullivan, Outling, Sheridan, Ata, Moore-Dudley. Nays: None.)

- 20. 1605-B Glenside Drive (TMN 418-2-4)** Jams K. Guffey, Jr. and Dixie S. Guffey, Owners. Repaired by Owners. **(RESCINDED)**

Mr. Outling moved to rescind 1605-B Glenside Drive, seconded by Ms. Moore-Dudley. The Commission voted 5-0 in favor of them motion. (Ayes: Sullivan, Outling, Sheridan, Ata, Moore-Dudley. Nays: None.)

- 21. 806 Dillard Street (TMN 35-1-21)** Hall Property Group LLC, Owners. Demolished by Owner. **(RESCINDED)**

Mr. Outling moved to rescind 806 Dillard Street, seconded by Ms. Moore-Dudley. The Commission voted 5-0 in favor of them motion. (Ayes: Sullivan, Outling, Sheridan, Ata, Moore-Dudley. Nays: None.)

- 22. 1719 McKnight Mill Road (TMN 417-5-2)** Kser Kser & Ksip Ksip, Owners. Repaired by Owners. **(RESCINDED)**

Ms. Sheridan moved to rescind 1719 McKnight Mill Road, seconded by Ms. Ata. The Commission voted 5-0 in favor of them motion. (Ayes: Sullivan, Outling, Sheridan, Ata, Moore-Dudley. Nays: None.)

ADJOURNMENT:

There being no further business before the Group, the meeting adjourned at 4:33 p.m.

Respectfully submitted,

Kathleen Sullivan,
Chairwoman, City of Greensboro Minimum Housing Standards Commission

KS:sm/jd